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09 MAY 2007

In re Application of :
PAEK, Seungyup *et al* :
Application No.: 09/831,215 :
PCT No.: PCT/US99/26127 :
Int. Filing Date: 05 November 1999 :
Priority Date: 06 November 1998 :
Attorney's Docket No.: 070050.1525 :
For: IMAGE DESCRIPTION SYSTEM AND :
METHOD :

DECISION

This is a decision on the request to remove an inventor in the above-captioned application filed 09 March 2007 which is treated as a petition under 37 CFR 1.497(d).

BACKGROUND

On 09 March 2007, applicants filed a petition to remove an inventor pursuant to 37 CFR 1.497(d).

On 08 May 2007, applicant filed via facsimile a statement regarding an assignment in the subject application.

DISCUSSION

Applicants request to remove Charlie Judice as inventor in the subject application.¹

37 CFR 1.497(d) applies when the inventors in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

¹ The decision dated 21 April 2004 dismissed applicants' petition filed under 37 CFR 1.47 as moot as applicants submitted declarations signed by the missing inventors. However, applicants failed to first remove Charlie Judice as inventor as requested in the communication mailed 02 November 2001.

- (1) A statement from each person being added as an inventor . . . that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(l); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Here, applicants filed a statement by Charlie Judice who declares that he is not an inventor in the present application and requests to be removed. Mr. Judice declares that the error "occurred without deceptive intention on my part." The processing fee of \$130.00 has been paid.

A review of the file record verifies that there is no record as to the existence of an assignee. Applicants also submitted a statement that "[a]pplicants are not aware of any written assignment in this case." Accordingly, it is presumed that no assignee exists. See § 201.03 MPEP. (If this presumption is incorrect, applicant should immediately notify this office and provide written consent of the assignee.)

Therefore, all the requirements of 37 CFR 1.497(d) are complete.

CONCLUSION

Applicants' request to remove Charlie Judice as a joint inventor in the above-captioned application under 37 CFR 1.497(d) is **GRANTED**.

The date of completion of all 35 U.S.C. 371 requirements and date of receipt of 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirement listed on the Notification of Acceptance of Application Under 35 U.S.C. 371 and 1.495 (Form PCT/DO/EO/903) mailed 05 May 2004 have not changed with the removal of Mr. Judice as an inventor in the present application.

Thus, the Form PCT/DO/EO/903 mailed 05 May 2004 remains effective.



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